

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

August 28, 2019

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

No. 19-4075

PAUL KENNETH CROMAR;
BARBARA ANN CROMAR,

Defendants - Appellants,

and

UTAH HOUSING FINANCE AGENCY;
UNIVERSAL CAMPUS FEDERAL
CREDIT UNION; STATE OF UTAH
TAX COMMISSION; UTAH COUNTY,

Defendants.

ORDER

Before **TYMKOVICH**, Chief Judge, and **LUCERO**, Circuit Judge.

Paul Kenneth Cromar and Barbara Ann Cromar move for a stay pending appeal of the district court's orders authorizing their eviction and approving the foreclosure on and sale of real property belonging to Mr. Cromar. The Cromars previously moved this court to stay the district court's orders, and that motion was denied. Since filing their prior motion, the Cromars have been removed from the property. Thus, in addition to a stay of the district court's orders, the Cromars also seek an injunction restoring their occupancy

of the property. Finally, they ask the court to order the government to serve them via certified mail.

To obtain either a stay or an injunction, the Cromars bear the burden of showing such relief is warranted in light of the following factors: (1) the likelihood of success on appeal; (2) the threat of irreparable harm if the stay is not granted; (3) the absence of harm to the opposing parties if the stay is granted; and (4) any risk of harm to the public interest. *See* 10th Cir. R. 8.1; *see also Nken v. Holder*, 556 U.S. 418, 434 (2009). The Cromars have failed to make this showing.

The motion to stay and for an injunction is denied. The request for service via certified mail is likewise denied.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal line.

ELISABETH A. SHUMAKER, Clerk